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**Book review of: Michael Rosenfeld, Law, Justice, Democracy, and the Clash  
of Cultures: A Pluralist Account, New York. Cambridge University Press,  
2011, 332 pp.**

Stojanovic, Nenad

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The largest section of the volume then develops in fine detail Quong's argument for a minimal political liberalism based upon his internal conception. Most interesting are the chapters where he deviates significantly from Rawls's work.

Pace Rawls, in Chapter 6 Quong argues that the "common view" of the overlapping consensus has wrongly positioned it as a second justificatory step that any notion of political justice must pass. For instance, the free-standing argument for political liberalism, which Rawls developed through the thought experiment of the original position, must be justified by an overlapping consensus, where it must be found congruent with our radically different comprehensive doctrines about the good life. Quong argues, though, that if our comprehensive doctrines are all compatible with political liberalism, the overlapping consensus is superfluous. If political liberalism is not compatible, then in our drive for consensus, we would reject some of the basic tenets of political liberalism. The author addresses this dilemma by repositioning the overlapping consensus to the first step of his argument. For him, the overlapping consensus is an agreement about the fundamental tenets of liberalism (that we are free and equal, committed to general fairness, and accept the burdens of justice). If any comprehensive doctrine does not accept these tenets, it is branded as unreasonable. In this way, the fundamental tenets of liberal society serve as starting points for deliberation among diverse conceptions of justice.

This argument leads to the very common asymmetry objection of political liberalism discussed in Chapter 7. Why should political liberalism treat disagreements about the good life and disagreements about justice differently? Quong argues that disagreements about the good life are almost invariably "foundational disagreements" about first principles, whereas disagreements about justice are almost always "justificatory disagreements" whereby we draw differing conclusions starting from *the same* first principles. The original, neutral principles upon which Quong bases his modest political liberalism remain, even if differing conceptions of justice emerge. He argues that only such an internal conception of political liberalism is capable of rebutting this asymmetry objection successfully.

While Rawls held that public reason—the idea that political decisions must be based upon reasons considered valid by all citizens—should be applicable only to questions of constitutional essentials and questions of fundamental justice, Quong extends the public-reason requirement to all political decisions. Though admitting that such justifications might not always be possible, he asks of Rawls, "[W]hy are all instances where citizens exercise political power over one another not subject to the idea of public reason?" (p. 274).

Overall, Quong's work is well argued. He patiently clarifies his assumptions, systematically develops his arguments, gives a fair hearing to critics of political liberalism,

and anticipates many of the objections to his positions. The work is well referenced and thus provides an excellent overview of the main debates and literature in political liberalism. It could serve as a required book for courses in liberalism or even global justice. In more general political theory courses, an instructor could require a chapter or two next to texts by Rawls and Raz in order to show how to engage spiritedly and honestly with such texts. In more specialized courses, a useful comparison could be made with Martha Nussbaum's recent lengthy article that covers the same ground but provides a more robust account of political liberalism with a focus on respect ("Perfectionist Liberalism and Political Liberalism," *Philosophy & Public Affairs* 39 [no. 1, 2011]: 3–45), or Steven Leece's *Against Perfectionism: Defending Liberal Neutrality* (2008), which advances similar critiques of Raz's perfectionism but provides the historical background to these debates and expands on their policy implications.

Most readers of Quong's work who are already conversant in debates between political liberal thinkers such as Rawls and Charles Larmore, on the one hand, and liberal perfectionists like Raz and Isaiah Berlin, on the other, will find his detailed, nuanced arguments quite provocative. For those readers outside of, or unfamiliar with, the debates in analytical political philosophy, this contest could appear as an internecine battle founded on what Freud called a "narcissism of small differences," especially as the philosophies of the two protagonists, Rawls and Raz, keep threatening to collapse on each other. Numerous scholars have claimed that Rawls advocates a type of minimal perfectionism, and most perfectionist thinkers, such as Raz, offer a tempered or moderate view of perfectionism. Those expecting to find responses to the vexing justificatory problems of political liberalism, such as whether the basic structure masks injustice, will be disappointed, as Quong intentionally eschews such questions.

A more robust concluding chapter that discusses the implications of Quong's arguments would have been helpful. If the best defense of political liberalism is an overlapping consensus of such minimal propositions and an unrealistic prohibition on states refraining from judgments about the good life, what has become of the Rawlsian project? In addition, are the resulting founding principles so minimal that they fail to ensure stability, one of the primary goals of Rawls's thought?

**Law, Justice, Democracy, and the Clash of Cultures: A Pluralist Account.** By Michel Rosenfeld. New York: Cambridge University Press, 2011. 332p. \$99.00 cloth, \$36.99 paper. doi:10.1017/S1537592712002125

— Nenad Stojanovic, *University of Zurich*

Increasingly, political and opinion leaders in Western societies are becoming suspicious of otherness and have questioned the need to accommodate cultural groups within

their politics. In past years, for example, German Chancellor Angela Merkel, British Prime Minister David Cameron, and French President François Sarkozy all denounced “multiculturalist” policies that had allegedly paved the way for extremism, especially within the Muslim community. To students of multiculturalism, these declarations may sound not only embarrassingly superficial but also paradoxical, given the very different approaches to cultural diversity adopted in the respective countries. Yet such statements often have a considerable impact on public opinion. Any serious piece of scholarship addressing issues of cultural diversity, I believe, ought to take them into account and clarify the terms of the dispute.

Supported by excellent theoretical insights and the finest analytical methods, such a clarification can be found in Michel Rosenfeld’s new book. It is a significant contribution to our understanding of the struggles over accommodation of cultural diversity in the contemporary world. Written by a legal, moral, and political philosopher, this book will be particularly useful to political scientists interested in questions relating to culture, identity, tolerance, and democracy.

The core theme of the book is Rosenfeld’s passionate defense of “comprehensive pluralism” (CP), a normative theory on which he has been working for years (e.g., see *Just Interpretations*, 1998). Rosenfeld develops his argument by discussing a variety of key authors, including Spinoza, Kant, Hegel, John Rawls, Jacques Derrida, Jürgen Habermas, and Ronald Dworkin. He claims that in politics that are “pluralistic-in fact,” because they comprise various competing conceptions of the good, CP offers “the best available alternative for settling questions of justice, morals, ethics, and legitimacy” (p. 11). Indeed, Rosenfeld considers CP a better alternative to the main monistic theories (such as liberalism, republicanism, and communitarianism), as well as to postmodern relativism. But he also considers it superior to competing pluralist accounts, such as Isaiah Berlin’s “value pluralism” (pp. 37–42). Its ultimate goal is to provide equal accommodation to all competing conceptions of the good.

CP is a teleological, rather than a deontological, theory, which—in contrast to Rawls’s *Political Liberalism* (1993)—does not exclude fundamentalist religions, “as it commands that efforts be made to ‘feel’ and understand such religion[s] from ‘within’” (p. 65). For many readers, this aspect of CP may be particularly disturbing. Does CP posit that we should tolerate the intolerants and run the risk, as Karl Popper warned us, that eventually the latter take over and put an end to tolerance? Rosenfeld’s answer is a qualified “no.” Indeed, he states that CP fully justifies imposing *its* conception of the good “on everyone, including proponents of religious fundamentalism” (p. 65). This position is embodied in the so-called second-order norms, a key feature of CP, meant to allow peaceful coexistence of different and competing conceptions of the good. As a

consequence, CP “prescribes intolerance, in whole or in part, of crusading religions and of non-religious ideologies bent on eradicating competing conceptions of the good” (p. 146). However, even the holders of such views might be tolerated for *strategic* reasons (i.e., if combating them brings more harm than good), provided they are numerically small and spatially isolated, and their actions are not likely to produce a dissolution of the established democratic pluralist order. A telling example would be the neo-Nazis in the United States (p. 240).

It should come as no surprise, therefore, that Rosenfeld does not condemn per se cultural practices such as female circumcision, provided the women are fully adult and embrace it voluntarily (p. 118). Nevertheless, he welcomes the bans that originate from *within* a given community. For instance, he states openly that we should applaud the Senegalese women who persuaded their national parliament to outlaw female circumcision (pp. 118, 120).

It is a positive feature of this book that it constantly illustrates the possible implications of its normative theory for real-world politics. Yet politicians involved in drafting a law or political scientists focused on constitutional design might find it difficult to use the precepts of CP in their work. Rosenfeld’s normative framework, as I see it, is too vague in this respect because the answers to many difficult issues typically “depend on the circumstances” (p. 217). Should we tolerate hate speech and antidemocratic political parties (pp. 239–43)? It depends. In “ordinary times” we should tolerate them for strategic reasons, but in “times of stress” they should be outlawed, for “tolerance of the intolerant may pave the way to times of crisis” (e.g., war). Should we discourage ethnic parties (pp. 235–36)? Probably yes, if ethnic differences are “sharp and intense,” probably not if we want to ensure representation of a small ethnic minority.

The main difficulty of this approach, I think, is that it is not easy to decide whether the times are ordinary or stressful, whether the ethnic divisions are sharp or blurred, and so on. Ultimately, it seems to me that the crucial judgment concerning the tolerability of given ideologies depends on future developments, which are difficult or impossible to predict. This is exemplified by the case of the Islamic party Refah, banned by the Turkish Constitutional Court. Rosenfeld claims that the dissolution of this party would be justified only if it were “genuinely likely eventually to culminate in dissolution of the Turkish polity” (p. 243). Now, what is “genuinely likely” to happen is a matter of dispute on which it is hard to reach a consensus.

Finally, I found myself puzzled by the question concerning how CP should treat *declared* preferences of various actors (e.g., religious leaders, ethnic entrepreneurs, etc.) who claim to speak in the name of a given conception of the good. As I read it, CP presupposes a good degree of sincerity here. Such actors ought to openly

disclose their internal values (i.e., “first-order norms”), so that CP can analyze them and see if their implementation is compatible with its own second-order norms. Yet it is well known that social actors, especially politicians, tend to *disguise* their real motives. Some believe that it is even a core imperative for any politician to be “a great pretender and dissembler [gran simulatore e dissimulatore],” for he will always find someone “who will allow himself to be deceived” (Machiavelli, *The Prince*, Chap. 18). So how should we treat ethnic entrepreneurs who, in departure, speak of peace and harmony but, once in power, engage in ethnic cleansing? In other words, it seems to me that CP is well suited to judge *ex post* whether a particular conception of the good should have been fought because it proved to be intolerant (e.g., Nazism), but it risks being too benign *ex ante*. Indeed, it is a tragic feature of recent human history that Hitler was quite successful in disguising his real intentions, with the result that the leaders of democratic countries kept accommodating and tolerating his murderous “conception of the good” until the very outbreak of the war.

**Horace Mann’s Troubling Legacy: The Education of Democratic Citizens.** By Bob Pepperman Taylor. Lawrence: University Press of Kansas, 2010. 192p. \$34.95.  
doi:10.1017/S1537592712002137

— Sidney Plotkin, *Vassar College*

Horace Mann is best known, of course, for advancing public education as a foundation stone of American democracy, not as a democratic theorist. But Bob Pepperman Taylor makes clear in this valuable and well-written new study that Mann’s efforts on behalf of public education were tied to a dim view of democratic citizens. Education must elevate them or democracy would perish, Mann insisted. Echoes of these ideas continue to animate contemporary discussions of civic education, and not for the better.

For Taylor, Mann’s “troubling legacy” reflects his skepticism of Madisonian politics as a response to the unruliness of citizens, people driven by passion, ego, and interest. The Framers set up the Constitution to organize, moderate, and limit what they foresaw as the inevitable conflicts dividing a fractured and parochial citizenry: so far, so good. But these arrangements were insufficient to the democratic dangers ahead. Unless common schoolteachers taught citizens to embrace a unifying moral purpose, Mann warned, Americans would become trapped in a downward spiral of corrupting passions and conflicting interests, especially so as the nation could no longer count on its once-strong Puritan tradition to contain its contentious pluralism. Political institutions alone could not remedy the defects of untamed citizens; the character of those citizens had to be suitably guided and bent toward a substantive moral consensus. Democracy, in short, requires more than well-designed institutions; it needs a particular kind of public education, a political schooling “to make

citizens worthy of the political respect we seem to owe them in the first place” (p. 7). Only then could American democracy advance beyond the discordant, corrosive politics of rival factions and parties.

Given the deepening embitterment of antebellum America, Mann’s political anxiety is more than a little understandable. Taylor might have made this point; the looming national divide over slavery goes unmentioned in his study. But he is certainly right to emphasize that Mann’s educational project could not have been more political in its antipolitical animus. His “program of civic education” promised “to dissolve political disputes,” inspiring a “political life without any significant controversy at all” (p. 14). Yet even as Mann despaired over the prospects of a political system geared only to managing conflict, he was deeply optimistic about the educability of citizens and their trained capacity to rise above discord.

Such optimism was rooted, as it often is, in a misguided faith in the capacity of science to transcend politics. Thus, Taylor shows how Mann’s hopes were anchored to the work of George Combs, an influential mid-nineteenth-century phrenologist. Combs believed that human brains harbor capacities to grasp the universal laws of physical and human nature, including moral and intellectual laws. Although we may observe these laws independently, we achieve true well-being when we learn to obey them together, as God intended. Thus, education could help us to realize our highest moral capacity. Mann’s faith in the redemptive qualities of public education was embedded in Combs’s physical and moral psychology. He wanted public schools to tap and develop students’ innate moral judgment and thus to fashion a citizenry able to resist poisonous conflict.

Crucial to this project, and to Taylor’s critique of it, was Mann’s insistence that teachers privilege moral over intellectual education. Guided by his misplaced faith in the possibilities of political harmony, Mann emphasized, in his educational philosophy, the instrumental, functional, indeed quite *political* role of education in smoothing the tensions of the political system. He aimed to realize an impossible dream, a utopia of nonadversarial politics. In essence, Mann conceived of education and students not as ends in themselves but as political means to a higher moral purpose, a purpose that he never actually defined, nor could he.

For Taylor, Mann’s teaching to the avoidance of conflict represented a profound disservice to students. It prepared them neither for the aggressiveness of political conflict nor for the informed capacity to make up their own minds about political controversy. His design for teaching impeded their exposure to uncertainty, ambiguity, skepticism, and doubt, the epistemological conditions of democracy as it really exists. Experiencing the ambiguities of great literature and the skeptical habits of the scientific mind, Taylor argues, is essential to the growth of mature citizens, people able not only to tolerate difference but to form their